Remarks

[0001] Herein, the "Action" or "Office Action" refers to the Final Office Action dated July 17, 2007.

[0002] Applicant respectfully requests reconsideration and allowance of all pending claims of the application. Claims 1-33 are presently pending. Claims 1, 5, 13, 20, and 28 are amended herein. Claims withdrawn or canceled herein are none. New claims added herein are none.

[0003] Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the case in better form for appeal.

Substantive Claim Rejections

35 USC § 103 Claim Rejections

[0004] Claims 1-33 are rejected under 35 USC §102(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0097365 to Stickler (hereinafter, "Stickler") in view of U.S. Patent Application Publication No. 2003/0018661 to Darugar (hereinafter, "Darugar") (*Office Action,* p.2).

[0005] Applicant respectfully traverses the rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

[0006] **Claim 1** as amended, recites:

> A computer-readable medium including at least one tangible component, and having stored thereon a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version, the data structure, comprising:
>
> at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data;
>
> at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure; and
>
> wherein, the at least one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version.

[0007] In making out the rejection of this claim, the Office essentially argues that Stickler discloses all of the elements of claim 1, except that Stickler does not disclose "the validation and the formatting explicitly as claimed" (*Office Action*, p.3). The Office then argues that Darugar

discloses "the validation and the formatting data as claimed" (*Office Action*, p.3; *Darugar*, [0003] [0006] and [0007]). The Office also asserts that "[i]t would have been obvious to one skilled in the art of data processing at the time of the present invention to combine the teachings of the cited references because the conversion between different formats and versions would make processing and functioning faster and efficient execution" (*Office Action*, p.3; *Darugar*, [0007]). Applicant disagrees for a number of reasons presented herein.

[0008] First, Applicant submits that Stickler and/or Darugar do not teach or suggest the combination of features recited in amended claim 1. For example, the Stickler-Darugar combination does not teach or suggest "a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version" as recited in claim 1.

[0009] Further, the Stickler-Darugar combination does not teach or suggest that the data structure includes "at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data" and "at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure", as recited in claim 1.

[0010] Still further, the Stickler-Darugar combination does not teach or suggest that "the at least one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version" as recited in claim 1.

[0011] As a starting point, Applicant notes that Stickler is directed to versioning of data (*Stickler* [0060]-[0061] and [0082]-[0084]). More specifically, the versioning described in Stickler, refers to the identification, preservation, and retrieval of particular revisions or editions in the editorial lifecycle of some discrete body of data.

[0012] Stickler does not teach or suggest "a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version" as recited in claim 1. Further, Stickler does not teach or suggest a data structure which includes "at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data" and "at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure", as recited in claim 1. Still further, Stickler does not teach or suggest that "the at least one optional data member and the at least one construct of the data structure

are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version" as recited in claim 1.

[0013] The Office acknowledges that Stickler does not disclose "the validation and the formatting explicitly as claimed" and relies on Darugar as curing the deficiencies of Sticker (*Office Action*, p.3; *Darugar,* [0003] [0006] and [0007]).

[0014] However, Darugar fails to cure the deficiencies of Sticker for at least the reasons described herein. Instead, Darugar describes the creation of XML-based applications that can be used to map a first format to a second file format (*Darugar,* [0006]). More specifically, Darugar describes providing a mapping graphical user interface (GUI) which allows a user to configure a MAP component operative to map an input XML format to an output XML format (*Darugar,* [0042] [0052]). Darugar further describes that the user interacts with the mapping GUI to specify the mapping of one XML format to a second XML format (*Darugar,* [0052]). Accordingly, the input and output to the MAP component are, XML documents having different XML formats. Thus, the MAP component and the functionality associated with it facilitate conversion of an input document having a given XML format to another XML document having a different XML format, without requiring the user to use sophisticated or high level programming languages to develop code to perform the mapping (*Darugar,* [0007]).

[0015] Darugar fails to cure the deficiencies of Sticker as Darugar does not teach or suggest "a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version" as recited in claim 1. Instead as described above, Darugar describes that its MAP component and the functionality associated with it facilitate conversion of an input document having a given XML format to another XML document having a different XML format (*Darugar,* [0007]). In other words, the Map component converts a document having a first XML format to another document having a different XML format based on input via the mapping GUI. However, Darugar says nothing about "a data structure for receiving data formatted in accordance with a first version and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version" as recited in claim 1.

[0016] Further, Darugar does not teach or suggest a data structure which includes "at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data" and "at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure", as recited in claim 1. Instead, as described previously, Darugar describes that its MAP component converts a document having a first XML format to another

document having a different XML format based on input via the mapping GUI.

[0017] Still further, Darugar does not teach or suggest that "the at least one optional data member and the at least one construct of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version" as recited in claim 1. Instead, as described previously, Darugar describes that its MAP component converts a document having a first XML format to another document having a different XML format based on input via the mapping GUI.

[0018] Further, even if the cited references disclosed all of this claim's recited features, which they do not, the Office has nonetheless failed to provide a sufficient motivation to combine Sticker with Darugar. Applicant contends that a person of ordinary skill in that art would not have attempted the combination put forth by the Office, and that the rejection at least in part constitutes nothing more than hindsight, utilizing Applicant's application as a road map for the rejection which the Office makes. However, the impermissible use of hindsight is contrary to established law. For example:

> The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made. (*Sensonics Inc. v. Aerosonic Corp.*, Court of Appeals for the Federal Circuit 81 F.3d 1566; 38 USPQ2d (BNA) 1551).

[0019] The motivation presented by the Office to support combining the references (*i.e.,* making processing and functioning faster and more efficient) is exceedingly broad and could be used to justify almost any hindsight construction which improves efficiency (*Office Action*, p.3). Thus, Applicant submits that the Office has also failed to establish a prima facie case of obviousness for at least this reason.

[0020] Accordingly, claim 1 is allowable over the Sticker-Darugar combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0021] **Claims 2-4** are allowable by virtue of their dependency upon claim 1 (either directly or indirectly). Additionally, one or more of claims 2-4 may be allowable over the Sticker-Darugar combination for independent reasons.

[0022] **Claim 5** as amended, recites:

> a computer-readable medium including at least one tangible component, and having stored thereon a data structure for receiving data formatted in accordance with a first version of the data structure and for presenting the received data in an arrangement defined by the data structure for validation by a device using a current version, the data structure, comprising:
>
> at least one optional data member to render the received data functional within the current version of the data structure when optional data is absent from the received data;
>
> at least one construct to render the received data functional within the current version of the data structure when the received data includes wildcard data that is not specified by the current version of the data structure;
>
> a delimiter which acts as a sentry to validate a beginning of the construct;
>
> at least one wildcard member that follows the delimiter to receive wildcard data received in accordance with a different version of the data structure; and
>
> wherein, the at least one optional data member, the at least one construct, and the at least on wildcard of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version.

[0023] Claim 5 is rejected based on reasoning similar to that presented in the rejection of claim 1. Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claim 1, Stickler and/or Darugar do not teach or suggest the combination of features recited in claim 5. For example, the Stickler-Darugar combination does not teach or suggest "wherein, the at least one optional data member, the at least one construct, and the at least on

wildcard of the data structure are for receiving data formatted in accordance with the first version and for presenting the received data in an arrangement defined by the data structure for validation by the device using the current version", as recited in claim 5. For the sake of brevity, Applicant has not repeated all of the arguments.

[0024] Accordingly, claim 5 is allowable over the combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0025] **Claims 6-12** are allowable by virtue of their dependency upon claim 5 (either directly or indirectly). Additionally, one or more of claims 6-12 may be allowable over the Sticker-Darugar combination for independent reasons.

[0026] **Claim 13** as amended, recites:

> A computer-readable medium including at least one tangible component, and having stored thereon one or more instructions to be executed by one or more processors, the one or more instructions causing the one or more processors to:
>
> receive data common to multiple generations of type, wherein the type refers to a format of a message file which enables a message to be encoded or decoded in a valid manner;
>
> tolerate an absence of optional data from the received data, when the data is received in accordance with a different generation of the type;
>
> accept an inclusion of extra data in the received data, when the data is received in accordance with another different generation of the type; and
>
> validate a message by inserting the received data into a data structure which allows the message to be validated by multiple different types.

[0027] Claim 13 is rejected based on reasoning similar to that presented in the rejection of claim 1. Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claim 1, Stickler and/or Darugar do not teach or suggest the combination of features recited in claim 13. For example, the Stickler-Darugar combination does not teach or suggest "validate a message by inserting the received data into a data structure which allows the message to be validated by multiple different types", as recited in claim 13. For the sake of brevity, Applicant has not repeated all of the arguments.

[0028] Accordingly, claim 13 is allowable over the combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0029] **Claims 14-19** are allowable by virtue of their dependency upon claim 13 (either directly or indirectly). Additionally, one or more of claims 14-19 may be allowable over the Sticker-Darugar combination for independent reasons.

[0030] **Claim 20** as amended, recites:

> A method, comprising:
> receiving data in accordance with different type versions, where each of the different type versions uses an different arrangement of data within a message file to enable encoding and decoding of the received data;
> tolerating optional data missing from the received data, when the data is received according to a different type version;
> receiving further data included in the received data, when the data is received according to another different type version;
> formatting the received data according to a current type version into a message; and
> validating messages by inserting the received data into a data structure which allows the messages to be validated by the different type versions.

[0031] Claim 20 is rejected based on reasoning similar to that presented in the rejection of claim 1. Applicant respectfully submits that based on reasoning similar to that discussed above in response to the

rejection of claim 1, Stickler and/or Darugar do not teach or suggest the combination of features recited in claim 20. For example, the Stickler-Darugar combination does not teach or suggest "validating messages by inserting the received data into a data structure which allows the messages to be validated by the different type versions", as recited in claim 20. For the sake of brevity, Applicant has not repeated all of the arguments.

[0032] Accordingly, claim 20 is allowable over the combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0033] **Claims 21-27** are allowable by virtue of their dependency upon claim 20 (either directly or indirectly). Additionally, one or more of claims 21-27 may be allowable over the Sticker-Darugar combination for independent reasons.

[0034] **Claim 28** as amended, recites:

> A parser, comprising:
>
> means for receiving data according to multiple different generations of type, where each different generation of type uses an different arrangement of data within a message file to enable encoding and decoding of the received data;
>
> means for excusing optional data being absent from the received data, when the data is received according to a different generation of the type;
>
> means for receiving further data in the received data, when the data is received according to another different generation of the type; and
>
> means for validating messages by inserting the received data into a data structure which allows the messages to be validated by the multiple different generations of type.

[0035] Claim 28 is rejected based on reasoning similar to that presented in the rejection of claim 1. Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claim 1, Stickler and/or Darugar do not teach or suggest the combination of features recited in claim 28. For example, the Stickler-Darugar combination does not teach or suggest "means for validating messages by inserting the received data into a data structure which allows the messages to be validated by the multiple different generations of type", as recited in claim 28. For the sake of brevity, Applicant has not repeated all of the arguments.

[0036] Accordingly, claim 28 is allowable over the combination for at least these reasons, and Applicant respectfully requests that the §103 rejection be withdrawn.

[0037] **Claims 29-33** are allowable by virtue of their dependency upon claim 28 (either directly or indirectly). Additionally, one or more of claims 29-33 may be allowable over the Sticker-Darugar combination for independent reasons.

Dependent Claims

[0038] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0039] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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By: 

Christen M. Fairborn
Reg. No. 55,164
(509) 324-9256 x249
chrisf@leehayes.com
www.leehayes.com